

## REMARKS

Claims 1-24 are currently pending in the application.

On the second page of the Office Action, claim 24 was improperly identified as being withdrawn. Applicants respectfully submit that claim 24 was added in an Amendment filed on June 27, 2005 and was not subject to a restriction requirement. Therefore, claim 24 is pending, and Applicants respectfully request that the claim be examined.

On page 2 of the Office Action, claims 1-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over an Internet article entitled, "Manufacturing process improvement: The role of vision systems," by Amir M. Hormozi (Hormozi).

Hormozi describes vision systems. According to Hormozi, a goal of machine vision is to electronically achieve visual perception. Hormozi indicates that a vision system replaces a need for human sight. Hormozi describes how a vision system functions by stating that such a system relies on electronic processors to acquire and analyze images seen through an imaging device such as a solid-state camera. Light passes through the camera lens, and the image is broken down into individual picture elements called "pixels." Each pixel has an analog voltage level that represents its light intensity, according to Hormozi. A computer then converts the analog voltage values for the entire image into their corresponding digital values. As a result, according to Hormozi, a digital pixel array that can be analyzed and interpreted by a computer is produced. According to Hormozi, the vision system's computer interprets a visual image and tells a robot what actions to perform as a result of what has been "seen." See Hormozi, page 3, first paragraph.

As defined by independent claim 1, the present invention is directed to a tele-inventory system for counting the number of commodities and/or checking the expiration dates of the commodities. In the present invention, various types of commodities in a shop, for example, are inventoried by a management apparatus that is installed remotely from the shop. One of the objects of the present invention is to conduct an inventory of commodities at a place separate from places where the commodities are sold. See Specification of the Present Invention, page 3, lines 22-26.

Applicants respectfully submit that the present invention, as defined by claim 1, is not obvious in view of Hormozi.

In particular, Applicants respectfully submit that Hormozi fails to disclose or suggest, "a display means for displaying said taken images . . . whereby the operator is able to make an inventory of the object commodities at the remote management apparatus with consulting said taken images. . . which . . . have been displayed on said display means."

Hormozi is merely concerned with achieving visual perception of objects and is not

concerned with a tele-inventory system, as in the present invention. Although Hormozi references "inventory tracking," no information is provided or suggested regarding a tele-inventory system, as described in the present invention. The mere reference to "inventory tracking" in Hormozi would allow one of ordinary skill in the art, to at most conclude that the vision systems could be utilized in a standard inventory system.

Applicants respectfully submit that the Examiner has simply engaged in improper hindsight in the obviousness rejection.

Further, the Examiner states that, "Official Notice is taken that the dependent features recited, e.g., camera/instruction-receiver-transmitter means, used by Applicant has been common knowledge in the art." See Office Action, item 2, at page 2 [sic].

Applicants respectfully traverse the Examiner's statement and demands that the Examiner produce authority for the statement. Applicants specifically point out the following errors in the Office Action.

First, the Examiner uses common knowledge as the principal evidence for the rejection. As explained in M.P.E.P. § 2144.03(E):

any facts so noticed should . . . serve only to 'fill in the gaps' in an insubstantial manner which might exist in the evidentiary showing made by the Examiner to support a particular ground of rejection. It is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection was based.

Second, the noticed fact is not considered to be common knowledge or well-known in the art. The claim features are not of notorious character or capable of instant and unquestionable demonstration as being well-known. Rather, the feature is unique to the present invention. See M.P.E.P. § 2144.03(A) ("the notice of facts beyond the record which may be taken by the Examiner must be 'capable of such instant and unquestionable demonstration as to defy dispute'").

Third, there is no evidence supporting the Examiner's assertion. See M.P.E.P. § 2144.03(B) ("there must be some form of evidence in the record to support an assertion of common knowledge").

Applicants respectfully submit that if the Examiner is basing the rejection on personal knowledge, the Examiner is required under 37 C.F.R. § 1.104(d)(2) to support such an assertion with an affidavit when called for by the Applicant. Applicants respectfully request the Examiner to support such assertion with an affidavit.

Applicants respectfully submit that claim 24 is patentable over Hormozi, as Hormozi fails to teach or suggest, "imaging an item; and remotely conducting inventory of the item based on

said imaging," as recited in claim 24.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By: 

Reginald D. Lucas  
Registration No. 46,883

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501